IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.63 OF 2006

Saba Rizvi. .. .. Petitioner
v/s.
The New India Assurance Company Ltd. .. .. Respondents

Mrs.Shradha Hemdev i/by Makhija & Associates for petitioner.

Mr.V.Y. Sanglikar for respondent.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 16th February 2006

P.C. :

1. Heard Mrs.Hemdev in support of this Petition. Mr.Sanglikar appears for the respondent.

2. The petitioner is facing the proceedings under the Public Premises (Eviction of unauthorised occupants) Act, 1973 for eviction from the premises owned by the respondent-Assurance Company. During the course of the original proceedings, the respondent has moved an amendment application to bring the names of other persons claiming to be occupants of the same premises. That application has been entertained by an order passed by the Estate Officer on 16th December 2005. It is this order

which is sought to be challenged.

3. Mrs.Hemdev appearing for the petitioner states that this cannot be done. She relies upon a judgment of the learned Single Judge of Tripura High Court in the case of **Amulya Chandra Sutradhar & anr. vs. Estate Officer reported in AIR 1964 Tripura page 9**. That appears to be a case where the description of the premises was sought to be corrected and which is criticised by the learned Single Judge. Those are not the facts in the present case. In our view, there is nothing erroneous in the order passed by the Estate Officer. The petitioner will have a remedy in the event final order is passed against the petitioner in the eviction proceedings by way of an Appeal under the Act.

5. Petition is dismissed.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)